



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, D.C. 20207-0001

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ICE OF COMPLIANCE  
ENFORCEMENT  
sion of  
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Samuel B. Hall  
Compliance Officer  
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LOG OF MEETING

SUBJECT: National Fireworks Association (NFA), CPSC Committee  
Courtesy Introduction Meeting

DATE: February 24, 1994

PLACE: Consumer Product Safety Commission  
Conference Room 711

LOG ENTRY SOURCE: Samuel B. Hall, Compliance Officer  
Division of Regulatory Management

MEETING REQUESTED BY: Robert T. Kellner, Chairman  
CPSC Committee  
National Fireworks Association

CONSUMER PRODUCT SAFETY COMMISSION REPRESENTATIVES:

David Schmeltzer, Assistant Executive Director,  
Office of Compliance and Enforcement  
Carlos L. Perez, Deputy Assistant Executive Director,  
Office of Compliance and Enforcement  
Eric L. Stone, Assistant Director,  
Division of Administrative Litigation  
Robert G. Poth, Director,  
Division of Regulatory Management  
Samuel B. Hall, Compliance Officer,  
Division of Regulatory Management

NATIONAL FIREWORKS ASSOCIATION REPRESENTATIVES:

Robert T. Kellner, Chairman, NFA's CPSC Committee  
Beth Kellner, Executive Secretary, NFA  
Robert Blake, Chairman, NFA's Political Action Committee

SUMMARY OF MEETING: See Attached.

### SUMMARY OF MEETING

This meeting was requested by Robert T. Kellner, Chairman of the CPSC Committee of the National Fireworks Association (NFA) to introduce himself as chairman of the newly formed CPSC Committee of the National Fireworks Association and to discuss issues of concern to the fireworks industry.

Mr. Kellner began the meeting by introducing the other NFA representatives: Beth Kellner, Executive Secretary of NFA, and Robert Blake, Chairman of the Political Action Committee of NFA. Mr. Kellner and Mrs. Kellner, his wife, are officials of Kellner's Fireworks, Inc. Mr. Blake is an official of Northeast Fireworks. He is also, Vice President of the Pennsylvania Pyrotechnics Association.

According to Mr. Kellner, NFA was formed in September 1993 to represent all segments of the fireworks industry including importers, manufacturers, distributors, retailers, display companies, hobbyists and enthusiasts. It is geared toward preserving the fireworks industry, particularly from the burdens placed on it by different government agencies and requirements. NFA intends to become more politically active and has established committees similar to the CPSC Committee to deal with fireworks matters involving other Federal agencies, such as DOT and ATF. NFA intends to also establish state coordinators to deal with fireworks issues in different states.

NFA currently has approximately 120 members representing a cross section of the fireworks industry, including small and large companies and individuals. Some members are also members of other fireworks organizations such as the American Pyrotechnics Association (APA) and the Pyrotechnics Guild International (PGI). The organization plans to increase to 1,000 within three years. NFA plans to meet two times a year; once in the Washington, D.C. area to have personnel from different Federal agencies available.

Mr. Robert E. Stewart, 100 South 21st Street, Harrisburg, PA 17104 (Telephone: 717-238-4331; FAX: 717-238-2799) is Executive Director of NFA. He is also the Head of the Pennsylvania Pyrotechnics Association. Other NFA Officials include: Cameron Starr of Starr Display Fireworks, President; Joseph Bartolotta of Bartolotta Fireworks, President-elect; Steven Knox of Children of the Night, Vice-President; Beth Kellner of Kellner's Fireworks, Executive Secretary; and Robert Slayton of Independence Professional Fireworks, Treasurer.

During the meeting Mr. Kellner inquired about how much of the CPSC budget is spent on fireworks. Mr. Schmeltzer told Kellner at the agency's budget for the year is approximately \$40 million and fireworks activities account for less than 2% of that amount.

Mr. Kellner also expressed concern about the strict enforcement of the fuse burn time requirements as well as other enforcement activities by CPSC.

Mr. Poth explained the enforcement policy regarding fuse burn time and that the fuse burn time requirement is strictly applied to only three of the hundreds of fireworks devices because of the potential for injury associated with those devices. They include reloadable shell devices, jumping jacks with erratic flight and bottle rockets.

Mr. Schmeltzer also informed the group that the Commission recently looked at the fuse burn time issue as a result of an APA petition, but voted to deny the petition based on the information presented. He further stated that CPSC has reduced its fireworks enforcement activities by half since 1988, but the compliance rates of the consumer fireworks tested remain at such unacceptable levels that CPSC cannot continue to cut back until the compliance rates improve. He requested NFA's help to put pressure on the Chinese manufacturers to produce complying fireworks devices.

CPSC's recent use of its civil penalty authority under the FHSA against fireworks firms was discussed. It was pointed out that the civil penalty authority has thus far been used primarily against firms without voluntary testing programs who continued to import fireworks devices which were found violative when tested by CPSC. The group was informed that CPSC would continue to use the civil penalty authority in similar cases.

Mr. Kellner requested a copy of the most recent injury statistics for fireworks and a copy of the video tape recording of the June 1993 Fireworks Safety News Conference. A copy of the 1992 Fireworks Injuries NEISS Report and copies of the current Compilation of Laws enforced by CPSC and the Federal Hazardous Substances Act Regulations were given to Mr. Kellner at the conclusion of the meeting. A copy of the video of the June 1993 Fireworks Safety News Conference was later mailed to Mr. Kellner.

Mr. Kellner concluded the meeting by thanking those present. He indicated that he was more knowledgeable about CPSC fireworks activities and would be better able to address the questions and concerns at the NFA meeting in Tysons Corner, Virginia on February 25 and 26, 1994.

ATTACHMENT

DISTRIBUTION:

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